

**SHEPPARD MULLIN RICHTER &
HAMPTON, LLP**

Michael T. Driscoll
Blanka K. Wolfe
30 Rockefeller Plaza
New York, New York 10112
Telephone: (212) 653-8700
Facsimile: (212) 653-8701
mdriscoll@sheppardmullin.com
bwolfe@sheppardmullin.com

Hearing Date: August 10, 2022
Opposition Date: June 10, 2022
Reply Date: July 11, 2022

Counsel for Defendant Mertiz Fire & Marine Insurance Co., Ltd.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant,

Adv. Pro. No. 08-01789 (cgm)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

MERITZ FIRE & MARINE INSURANCE
CO., LTD.,

Defendant.

Adv. Pro. No. 11-02539 (CGM)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Memorandum of Law of Defendant Meritz Fire & Marine Insurance Co., Ltd. (“Meritz”) in support of its Motion to Dismiss, the accompanying Declaration of Michael T. Driscoll, dated April 11, 2022, and the exhibits thereto, and all prior pleadings and proceedings herein, Meritz hereby moves this Court pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), as made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure, for an order dismissing the Complaint, dated August 18, 2011 [Dk. No. 1] in the above-captioned adversary proceeding filed by plaintiff Irving H. Picard, Trustee (the “Trustee”) for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order in this proceeding entered January 11, 2022 [Adv. No. 11-02539 Dk. No. 118], the Trustee shall respond to this motion by June 10, 2022. If the Trustee responds to the motion, the Union Securities Defendant shall file their reply by July 11, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the Union Securities Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York
April 11, 2022

By: /s/ Michael T. Driscoll

SHEPPARD MULLIN RICHTER & HAMPTON LLP

Michael T. Driscoll

Blanka K. Wolfe

30 Rockefeller Plaza

New York, New York 10112

Telephone: (212) 653-8700

Facsimile: (212) 653-8701

mdriscoll@sheppardmullin.com

bwolfe@sheppardmullin.com

*Counsel for Defendant Mertiz Fire & Marine Insurance
Co., Ltd.*